



PATENT
Customer Number 22,852
Attorney Docket No. 03804.1590-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Mail Stop Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Prior Application Art Unit: 1617 Prior Application Examiner: Edward J. Webman

SIR: This is a request for filing a

☐ Continuation ☐ Continuation-in-Part ☒ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/068,894 filed September 18, 1998 of Dr. Manfred BOHN, Dr. Karl Theodor KRAEMER, and Dr. Astrid MARKUS for ANTIMYCOTIC GEL HAVING HIGH ACTIVE COMPOUND RELEASE.

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior Application No. 09/068,894 as originally filed on September 18, 1998, which is a national stage application under 35 U.S.C. 371 of PCT/EP97/05068, filed September 16, 1997, and claims benefit of priority of German Application No. 196 39 816.9, filed September 27, 1996, all of which are incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125. The undersigned hereby verifies that no new matter is added in this substitute specification.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
4. ☒ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended in the Preliminary Amendment filed herewith.

Basic Application Filing Fee					\$770	\$ 770.00
	Number of Claims		Basic	Extra Claims		
Total Claims	3	-	20	-0-	x \$18	
Independent Claims	1	-	3	-0-	x \$86	
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$290	
Subtotal						\$ 770.00
Reduction by 1/2 if small entity						-
TOTAL APPLICATION FILING FEE						\$ 770.00

6. ☒ A check in the amount of \$770.00 to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
8. ☐ New acceptable drawings are enclosed.
9. ☒ The prior application is assigned of record to: Aventis Pharma Deutschland GmbH.
10. ☒ Priority of Application No. 196 39 816.9, filed on September 27, 1996 in Germany is claimed under 35 U.S.C. § 119. A certified copy
☐ is enclosed or ☒ is on file in the prior application.
11. ☐ Small entity status is appropriate and applies to this application.
12. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson,

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13. ☒ The power appears in the original declaration of the prior application.
14. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

15. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
16. ☒ Recognize as associate attorney Jeremy M. Stipkala, Reg. No. 44,359, of FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, phone: 202.408.4331.
17. ☐ Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 09/068,894, filed September 18, 1998, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 23, 2003

By: Carol P. Einaudi
Carol P. Einaudi
Reg. No. 32,220